

**Remarks/Arguments:**

**Claim Rejections Under 35 U.S.C. §102 and §103**

Claims 11-17 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 5,997,262 (Finkbeiner et al.). Claims 18-20 stand rejected under 35 U.S.C. §103 as unpatentable over Finkbeiner et al. in view of PCT Publication No. WO 02/070898 (Pippes et al.) (with US Publication No. 2003/0161748 provided as an English language equivalent). Applicants traverse these rejections.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"To establish a *prima facie* case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. §2143. Additionally, as set forth by the Supreme Court in *KSR Int'l Co. v. Teleflex, Inc.*, No. 04-1350 (U.S. Apr. 30, 2007), it is necessary to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the prior art elements in the manner claimed.

Independent claim 11 recites a "[m]otor/pump unit for slip-controlled motor vehicle brake systems, including an accommodating member for hydraulically active components, an internal gear pump arranged in a bore of the accommodating member and comprising pump components such as a pinion/internal gear combination arranged between two housing parts, the pump components forming a pre-assembled unit including a motor for driving the internal gear pump, wherein the housing parts are interconnected in a form-locking preassembly having at least first and second configurations, wherein in the first configuration the housing parts are radially moveable relative to one another and in the second configuration the housing parts are substantially fixed radially relative to one another."

Finkbeiner et al. does not teach or suggest pump components forming a pre-assembled unit having first and second configurations, wherein in the first configuration the housing parts are radially moveable relative to one another and in the second configuration the housing parts are substantially fixed radially relative to one another. To the contrary, Finkbeiner et al. explains at column 8, lines 12-39, that

[i]n manufacture, assembly and use of pump assembly 22 as a unitary operable gerotor subassembly, it thus will be seen that the alignment pin portions 102 of

the two locator screws 74 and 75 and the bores 172 and 176 in the screw through-holes in port plate 72, the mounting holes in cam ring 62 and inlet cover plate 60, the stationary stub shaft 76 and its journal mounting in hole 80 in inner "star" rotor 68, and the press-fit of stub shaft 76 in mounting hole 78 in inlet cover plate 60, are all made to precision tolerances as to dimensions and location. Locator screws 74 and 75 thus function **during and in assembly** to provide proper radial and axial alignment and angular orientation of the plate ports and gear rotors to thereby accurately set the eccentric and angular relationship of these pump parts **in assembly and operation**, and with reference to the stationary center pin 76 on which the star rotor 68 is journalled. The loose tolerance threadable interengagement of screws pins 74,75 with these parts will not affect or alter the guide pin alignment function of the smooth shank of the locator screws. By so combining the orienting pin and fastening bolt functions into just two locator screws 74 and 75, the prior need for two to four separate fastening bolts and two additional orienting pins is eliminated, thereby significantly reducing the number of pump components. In addition, no setting or final adjustment of the components in assembly is necessary inasmuch as this is achieved merely by assembly and tightening down of screws 74 and 75 in assembled relation with the pump assembly components as shown in FIGS. 2 and 3.

(emphasis added). Finkbeiner et al. teaches the use of precision screws and bores such that during assembly and operation, the components are precisely aligned with one another. Finkbeiner et al. teaches only a single assembly configuration, namely a precision assembly wherein the components are not moveable relative to one another. Finkbeiner et al. teaches away from the multiple configurations of the claimed invention and specifically states that "no setting or final adjustment of the components in assembly is necessary." Since each and every element as set forth in the claim is not found, either expressly or inherently described, in Finkbeiner et al., the reference fails to anticipate the claimed invention. Pippes et al. is cited as teaching a ring and spring element and does not overcome the shortcomings of Finkbeiner et al.

It is respectfully submitted that independent claim 11 is condition for allowance. Claims 12 and 13 each depend from claim 11 and should each be allowed for at least the reasons set forth above.

Similarly, independent claims 14, 18 and 19, all recite "wherein the housing parts are interconnected in a form-locking preassembly having at least first and second configurations, wherein in the first configuration the housing parts are radially moveable relative to one another and in the second configuration the housing parts are substantially fixed radially relative to one another. . . ." As explained above, Finkbeiner et al. teaches away from such a structure.

It is respectfully submitted that independent claims 14, 18 and 19 are condition for allowance. Claims 15-17 each depend from claim 14 and claim 20 depends from claim 19 and therefore each should each be allowed for at least the reasons set forth above.

It is respectfully submitted that each of the pending claims is in condition for allowance. Early reconsideration and allowance of each of the pending claims are respectfully requested.

If the Examiner believes an interview, either personal or telephonic, will advance the prosecution of this matter, it is respectfully requested that the Examiner get in contact with the undersigned to arrange the same.

Respectfully submitted,



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